

REMARKS

In this paper, claim 12 is currently amended. After entry of the above amendment, claims 12-21 are pending, and claims 1-11 and 22-34 have been canceled.

An Information Disclosure Statement (IDS) accompanies this amendment. If the IDS is not in the PTO file when the examiner considers this amendment, the examiner is encouraged to contact the undersigned so that a duplicate copy may be provided.

Claims 12-14 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by Nagano (EP 0 512 149 A1). This basis for rejection is respectfully traversed.

Claim 12 has been amended to clarify that the axle bolt is directed to an axle that is structured to be rotatably fitted within a bottom bracket of a bicycle frame and coupled to a crank arm so that the axle and the crank arm rotate as a unit relative to the bottom bracket as the bicycle is pedaled, wherein the axle has an inner peripheral surface, and that the bolt body is structured so that the threaded outer peripheral surface is dimensioned to fit within the inner peripheral surface of the axle. The claims still are directed to an axle bolt *per se*.

As for the recited threaded outer peripheral surface of the bolt body, the word "dimensioned" is a positive and definite limitation. It is acceptable to define the dimensions of a device in terms of the environment in which it is to be used. *Orthokinetics Inc. v. Safety Travel Chars Inc.* 1 USPQ.2d 1081 (Fed.Cir. 1986).

Nagano discloses a crank axle unit mounted in a bottom bracket (5) of a bicycle frame. The crank axle unit comprises a tubular element (2) surrounding and rotatably supporting a crank axle (1), wherein the bottom bracket (5) surrounds the tubular element (2). A first screw ring (3) and a second screw ring (4) are screwed into opposite ends of the bottom bracket (5) for positioning and fixing the tubular element (2) in the bottom bracket (5), wherein the first screw ring (3) is fitted on an outside wall of the tubular element (2) at one end of the tubular element (2). First screw ring (3) includes tool engaging teeth (10a) on an inner peripheral surface thereof and an outer peripheral threaded portion (3b) that screws into an inside wall of the bottom bracket (5). Outer peripheral

threaded portion (3b) of first screw ring (3) clearly is not dimensioned to fit within the inner peripheral surface of an axle that is structured to be rotatably fitted within a bottom bracket of a bicycle frame and coupled to a crank arm so that the axle and the crank arm rotate as a unit relative to the bottom bracket as the bicycle is pedaled, and there is no suggestion to make such a modification.

Claims 15-17 and 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nagano. This basis for rejection is respectfully traversed for the same reasons noted above.

Claims 15-17 and 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nagano in view of Yamanaka (US 5,907,980). This basis for rejection is respectfully traversed for the same reason noted above.

Accordingly, it is believed that the rejections under 35 U.S.C. §102 and §103 have been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,



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